

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	Confirmation No.: 3994
Gomes <i>et al.</i>	Art Unit: <i>To Be Assigned</i>
Application No.: 10/588,811	Examiner: <i>To Be Assigned</i>
Int'l Filing Date: February 9, 2005	Atty. Docket: 2348.0130001
For: System and Method Using Enhanced Authorization Data to Reduce Travel-Related Transaction Fraud	

Response to Notification of Missing Requirements Under 35 U.S.C. § 371

Attn: Mail Stop PCT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Notification of Missing Requirements was issued in the above-captioned application on April 9, 2007. Receipt of the declaration was confirmed in the list of submitted items included on the first page of the Notification. However, the Notification also indicated that an oath or declaration of the inventors in compliance with 37 C.F.R. § 1.497(a) and (b) needed to be filed. Specifically, the Notification indicated that the current declaration was not executed in accordance with either 37 C.F.R. § 1.66 or 37 C.F.R. § 1.68.

Applicants respectfully traverse the issuance of this Notification. 37 C.F.R. § 1.68 requires a statement in the declaration signed by the inventor indicating that "willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of the application or any patent issuing thereon." 37 C.F.R. § 1.68 further states that the body of the declaration must indicate

"that all statements made of the declarant's own knowledge are true and that all statements made on information and belief are believed to be true."

In the present application, the declaration signed by all the inventors includes the following language on each page:

"I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon."

Applicants cannot determine any colorable difference between the language required by 37 C.F.R. § 1.68 and the language included in the executed declaration. If there is specific language in the executed declaration that is objectionable or missing, Applicants request the Examiner to particularly point out such language.

To the extent that the declaration was rejected for not identifying the application by the International Application Number (IAN) and international filing date (IFD), Applicants note that the original executed declaration was filed in the parent PCT application (Int'l Application No. PCT/US2005/004135) on the filing date of the PCT application. Such execution and filing occurred before the IAN and IFD were assigned; accordingly, the IFN and IFD could not be included on the originally filed declaration. A copy of this same declaration was filed with the national phase documents in the filing paperwork for the instant application on August 9, 2006. This transmittal can be confirmed by reviewing the Image File Wrapper (IFW) in PAIR. The declaration is erroneously listed as "Documents submitted with 371 applications," but nonetheless exists in the record (see, Exhibit A attached hereto, p. 2).

Applicants note that several telephone calls between May 8, 2007, and May 23, 2007, to the Examiner of record, Lamont M. Hunter, went unreturned. As the Examiner was non-responsive, Applicants contacted the PCT Help Desk on May 23, 2007. Receipt of the declaration by the USPTO was confirmed with Benny Lee of the PCT Help Desk, who also confirmed that the declaration appeared to be in order. Mr. Lee indicated that the Notification of Missing Requirements was issued in error, and suggested that Applicants file a response pointing to the copy of the declaration in the original filing.

Accordingly, Applicants submit a copy of the previously-submitted declaration herewith.

As the declaration was timely submitted, it is Applicants' understanding that the surcharge for late submission of the declaration does not apply. However, in case the Applicants' understanding is in error, Applicants hereby authorize the U.S. Patent and Trademark Office to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Michelle K. Holoubek
Attorney for Applicants
Registration No. 54,179

Date: June 11, 2007

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600



EXHIBIT A

<input type="checkbox"/>	08-09-2006	Claims	PROSECUTION	5
<input type="checkbox"/>	08-09-2006	Drawings	PROSECUTION	4
<input type="checkbox"/>	08-09-2006	Documents submitted with <u>371 Applications</u>	PROSECUTION	2
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	08-09-2006	Miscellaneous Internal Document	PROSECUTION	1
	08-09-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
	08-09-2006	Claims Worksheet (PTO-2022)	PROSECUTION	1

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